

Arkansas, Louisiana, New Mexico, Oklahoma, Texas, and 66 Tribal Nations

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1 — Watchdog investigating EPA and toxic mine spill in Colorado, Albuquerque Journal, 8/17/2015

<http://www.abqjournal.com/629747/news-around-the-region/watchdog-investigating-epa-and-toxic-mine-spill-in-colorado.html>

The inspector general for the Environmental Protection Agency is investigating the cause of a massive spill from an abandoned Colorado gold mine that unleashed 3 million gallons of contaminated wastewater into rivers that supply water to at least three states.

2 — Navajo farmers, ranchers still waiting, but other growers resume irrigating, Albuquerque Journal, 8/16/2015

<http://www.abqjournal.com/629555/news/navajo-farmers-ranchers-still-waiting-but-other-growers-resume-irrigating.html>

As many local growers drew irrigation water from their ditches Saturday for the first time since a plume of acid mine waste flowed through the area a week ago, farmers and ranchers in Navajo Nation were still waiting for more test results to show that San Juan River water on the reservation is safe for drinking, watering fields, livestock consumption and other uses.

3 — Navajo farmers concerned about quality of delivered water after spill, USA Today, 8/18/2015

<http://www.usatoday.com/story/news/nation/2015/08/18/navajo-farmers-concerned-quality-delivered-water-after-spill/31895815/>

The Environmental Protection Agency was investigating an old mine near Silverton, Colo., earlier this month, when it accidentally released 3 million gallons of toxic waste water into the Animas River.

4 — Navajo Nation Farmers Feel The Weight Of Colorado Mine Spill, Texas Public Radio, 8/17/2015

<http://tpr.org/post/navajo-nation-farmers-feel-weight-colorado-mine-spill>

Explosions and a fire that rocked an oilfield drilling chemical company Friday apparently caused no injuries and by evening as the flames were extinguished investigators began to figure out what caused the disaster.

5 — Severn Trent assessed biggest environmental fine in state history, Oklahoma Journal Record, 8/18/2015

<http://journalrecord.com/2015/08/13/big-splash-deq-levies-3-1m-fine-for-water-violations-in-hugo-general-news/>

Severn Trent Services is facing the biggest environmental fine ever levied in Oklahoma for failing to meet minimum chlorine standards. The company's operations potentially put 8,123 Hugo-area residents at risk of drinking unsafe water for 317 days over two years, an Oklahoma Department of Environmental Quality investigation found.

6 — Obama's Clean Power Plan: Oklahoma Officials Attack, Utilities on Path to Comply, NPR StateImpact, 8/16/2015

<https://stateimpact.npr.org/oklahoma/2015/08/17/obamas-clean-power-plan-oklahoma-officials-attack-utilities-on-path-to-comply/>

Even before the Obama Administration's Clean Power Plan was finalized, politicians in Oklahoma were already fighting it in the court of public opinion, and in real court, too. And Gov. Mary Fallin has vowed that Oklahoma will not submit a state compliance plan to the U.S. Environmental Protection Agency.

7 — Uranium Concentrations in two Major U.S. Aquifers Exceeds EPA Regulations, Nature World News, 8/17/2015

<http://www.natureworldnews.com/articles/16100/20150817/uranium-contamination-two-major-u-s-aquifers-exceeds-epa-regulations.htm>

A recent study concluded that the High Plains and Central Valley aquifers exceed the uranium contamination guidelines set by the Environmental Protection Agency and endanger roughly two million people that live above or near these water sources.

8—Alliance filing says hog farm violates permit, Arkansas Democrat-Gazette, 8/15/2015

<http://www.arkansasonline.com/news/2015/aug/14/alliance-filing-says-hog-farm-violates--1/>

The Buffalo River Watershed Alliance has filed a formal complaint with the Arkansas Department of Environmental Quality, alleging that C&H Hog Farms in Mount Judea has violated the terms of its permit.

9—Baton Rouge Planning Commission recommends rezoning to keep out controversial barge cleaning operation, Baton Rouge Advocate, 8/18/2015

<http://theadvocate.com/news/13203739-123/baton-rouge-planning-commission-recommends>

Baton Rouge leaders are just a step away from thwarting a barge cleaning company's plans to open shop on the Mississippi River, near residential neighborhoods and down the road from LSU.

10—Mystery, suspense and Fort Smith finances (opinion), Fort Smith (AR) City Wire, 8/16/2015

<http://www.thecitywire.com/node/38553#.VdMzM9VhHw>

I spent this past Sunday afternoon reading a mystery. It wasn't Agatha Christie. It was the City of Fort Smith, Arkansas Comprehensive Annual Financial Report for the Year Ended Dec. 31, 2014 and the unaudited second quarter financial report for the six months ended June 30, 2015.

11—Scalise: Toxic spill into river indicates EPA has lost its way (opinion), Ripon (LA) Advance, 8/14/2015

<http://riponadvance.com/stories/510633584-scalise-toxic-spill-into-river-indicates-epa-has-lost-its-way>

The EPA is supposed to help prevent environmental catastrophes, not cause them, but sadly, President Obama's EPA has been too busy threatening American jobs with radical regulations instead of focusing on what should be their core mission.

12—EPA methane rules expected today, Arkansas Democrat-Gazette, 8/14/2015

<http://www.arkansasonline.com/news/2015/aug/18/epa-emission-rules-expected-today-20150/>

The U.S. Environmental Protection Agency will announce today proposed regulations to curb emissions from the nation's oil and natural gas industry, according to the American Petroleum Institute's regulatory chief.

13—Listen to PRI's The World interview with Mark Schleifstein on Katrina anniversary, New Orleans Times-Picayune, 8/17/2015

[http://www.nola.com/katrina/index.ssf/2015/08/pris_the_world_interviews_nola.html#incart_river_\(audio\)](http://www.nola.com/katrina/index.ssf/2015/08/pris_the_world_interviews_nola.html#incart_river_(audio))

Watchdog investigating EPA and toxic mine spill in Colorado

Matthew Daly / Associated Press



Water flows through a series of sediment retention ponds built to reduce heavy metal and chemical contaminants from the Gold King Mine wastewater accident, in the spillway about 1/4 mile downstream from the mine, outside Silverton, Colo., Friday, Aug. 14, 2015. Officials have said that federal contractors accidentally released more than 3 million gallons of wastewater laden with heavy metals last week at the Gold King Mine near Silverton. The pollution flowed downstream to New Mexico and Utah. (AP Photo/Brennan Linsley)

WASHINGTON — The inspector general for the Environmental Protection Agency is investigating the cause of a massive spill from an abandoned Colorado gold mine that unleashed 3 million gallons of contaminated wastewater into rivers that supply water to at least three states.

The inspector general's office said the investigation also will focus on the EPA's response to the Aug. 5 spill from the defunct Gold King Mine near Silverton, Colo. About 3 million gallons of water containing heavy metals such as arsenic, cadmium, lead and mercury were released into a tributary of the Animas River, turning the river sickly yellow and raising concerns about long-term environmental damage.

A diluted toxic plume reached Lake Powell, a huge reservoir 300 miles downstream that feeds the Colorado River and supplies water to the Southwest.

Navajo farmers, ranchers still waiting, but other growers resume irrigating

Hannah Grover / The Daily Times, Farmington, N.M. (TNS)



AZTEC
— As
many
local



Residents who live near the Animas River gather Monday at the Farmington Civic Center to hear the latest water test results in this file photo

growers drew irrigation water from their ditches Saturday for the first time since a plume of acid mine waste flowed through the area a week ago, farmers and ranchers in Navajo Nation were still waiting for more test results to show that San Juan River water on the reservation is safe for drinking, watering fields, livestock consumption and other uses.

The U.S. Environmental Protection Agency released data Saturday from tests taken on the river between Farmington and Shiprock. But that section of the river typically has high variability of metal levels, EPA officials said, and that means more tests are needed.

In the meantime, many of those who live on the reservation are receiving water deliveries. The EPA and the Bureau of Indian Affairs increased the amount of water being delivered to various Navajo Nation locations on Saturday to 100,000 gallons a day.

Prior to the ditch users outside of the Navajo Nation being told they could open their ditches on Friday, the EPA delivered 328,914 gallons of water to seven agriculture and nine livestock locations.

The ditch owners along the Animas River and the San Juan River outside the Navajo Nation were given word Friday during a meeting at the Farmington Civic Center that it was safe to flush their ditches and start irrigating again.

That news came just in time, several Aztec ditch users said Saturday after flushing their ditches overnight.

Mike Wright and Mike Carruthers went to close the last sluice on the Stacey Ditch in Aztec Saturday morning to send water down the dry ditch bed to the crops.

A few days before the plume hit the Aztec area, Carruthers received news that the acid mine waste was coming down the river.

"We didn't know where it was," Carruthers said.

Carruthers opened the first sluice to the ditch, causing the water to immediately return to the river.

He said the headgate to the Stacey Ditch was never closed, and the ditch has been flushing out the sediment since the plume passed.

The state engineer told ditch owners to flush the ditches to the first sluice for 12 hours before starting to irrigate.

Wright said he had been fortunate and was planning on cutting and baling his hay during the time that the plume went through. While the hay is cut and baled, farmers turn the water off to the field. Wright got his hay baled and cut while the ditch was closed.

"If it went on another week or so, it would have affected me," Wright said.

Joe Jaquez, who is the director of the Halford Independent Ditch, said his garden was beginning to wither by the time he received news that the ditches could be opened.

After he got out of the meeting on Friday, Jaquez went and opened the ditch so that irrigation could start Saturday afternoon.

Jaquez said the state engineer's approval to open the ditches once again "hit at the right time."

Hannah Grover covers Aztec and Bloomfield, as well as general news, for The Daily Times. She can be reached at 505-564-4652 and hgrover@daily-times.com. Follow her @hmgrover on Twitter.

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Navajo farmers concerned about quality of delivered water after spill

Noel Lyn Smith, The (Farmington, N.M.) Daily Times 1:05 a.m. EDT August 18, 2015



(Photo: Alexa Rogals, The (Farmington, N.M.) Daily Times)

SHIPROCK, N.M. — Farmers in the Shiprock Chapter on Monday were continuing to look for alternative sources of water to irrigate crops and water livestock (http://www.daily-times.com/ci_28656002).

The Navajo Nation has an advisory still in effect that instructs ranchers and farmers not to use San Juan River water. Using the river water has been prohibited since about 3 million gallons of toxic wastewater was accidentally released Aug. 5 from the Gold King Mine north of Silverton, Colo., into the Animas and San Juan rivers.

irrigation.

On Monday, farmers voted 64-1 to have Shiprock Chapter President Duane "Chil" Yazzie write a memorandum to the Bureau of Indian Affairs asking it to deliver water containers and provide clean water for

The move comes after Shiprock Chapter's farm board member, Joe Ben Jr., complained about the condition of about 11 tanks that were delivered to the chapter by a contractor hired by the U.S. Environmental Protection Agency.



USATODAY

U.S. looks at long-term solution to mining pollution

(<http://www.usatoday.com/story/news/nation/2015/08/14/long-term-solution-mining-pollution-gold-king-mine/31700311/>)

Ben alleges the tanks are not suitable to deliver water to farmers because he noticed water inside the tanks was brown and had a noticeable film and odor. A flier notifying residents of a meeting at the Shiprock Chapter house on Monday announced that participants would "address unclean fracking barrels."

Ben said he notified the EPA about the tanks and asked for certification that the tanks were in good condition to haul water. He said Monday that no one had responded to his requests.

San Juan County Executive Officer Kim Carpenter clarified Monday evening that when he lifted the ban on using the river, that only applied on the stretch of the Animas and San Juan rivers from the New Mexico-Colorado border to the lower valley area in Kirtland. He said officials with the EPA's Region 9 are still conducting tests on water that flows downstream from there.

Carpenter spoke about the Gold King Mine spill at a public meeting at the Farmington Civic Center that was attended by about 40 people.



USATODAY

Animas, San Juan rivers reopen from toxic mine spill

(<http://www.usatoday.com/story/news/nation/2015/08/16/wildlife-show-signs-poisoning-mine-spill/31806783/>)

An EPA official at the meeting presented river testing data showing that spikes in heavy metal concentrations occurring as the plume passed through the area were still well below screening levels for recreational use. Those levels are the first sign that officials should take a closer look at what is occurring and are set well below levels that would produce an immediate health threat, said David Charters with the EPA's national and international environmental response team.

After the plume passed through, levels of arsenic, lead, mercury, cadmium, zinc and copper in the river water and in the sediment deposited by the plume were either extremely low or couldn't be detected by the tests, Charters said.

"We'll continue to deal with this as time progresses," Carpenter said. He said officials will continue to sample and test the water and sediment and work together on "how to prevent this in the future."

Sgt. Matthew Anthony, with New Mexico Game and Fish, said the department has nearly finalized a plan for long-term monitoring of potential impacts on wildlife that will look at birth rates, long-term absorption of heavy metals and other variables.



USATODAY

Toxic mines taint the West's waterways

(<http://www.usatoday.com/story/news/2015/08/11/toxic-mines-taint-wests-waterways/31489965/>)

Farmington City Manager Rob Mayes said the results of tests conducted by the city of Farmington on Monday will be available on Thursday. If those test results are consistent with results from EPA and the New Mexico Environment Department, the city will resume piping Animas River water to its treatment plant, he said. He said it likely would be about a week before the city starts using Farmers Ditch to supply the plant.

Aztec may start pumping water from the Animas on Wednesday, City Manager Josh Ray said Monday in an interview. The city lifted its restrictions on residential water use after San Juan County officials opened access to the river on Saturday night.

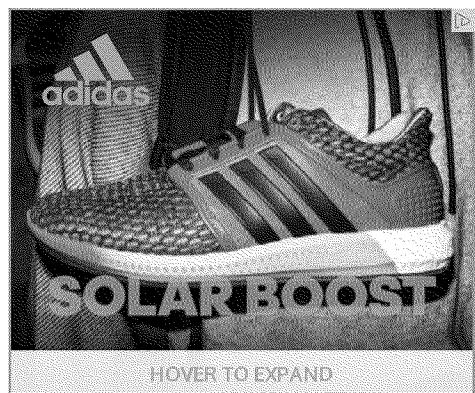
City officials have stressed that water supplied by Farmington and Aztec municipal systems is safe to drink.

Other emergency relief and testing operations were beginning to wind down in the county nearly two weeks after the spill, said Michele Truby-Tillen, spokeswoman for the San Juan County Office of Emergency Management.

Potable and non-potable water stations in the county are closing, as is the well water testing station at the San Juan County Sheriff's Office Lee Acres substation, the city of Aztec RV fill station and bottled water distribution at the Aztec Church of Christ.

Contributing: Joshua Kellogg and Chris Roberts, The Daily Times

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Navajo Nation Farmers Feel The Weight Of Colorado Mine Spill

By EDITOR • 15 HOURS AGO

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(http://mediad.publicbroadcasting.net/p/shared/npr/styles/x_large/nprshared/201508/432601526.jpg)

After the Animas River spill, rancher Irving Shaggy is forced to travel a 70-mile round trip to get water for his livestock. "It's going to be a long struggle," he says.

LAUREL MORALES KJZZ

Listen

Originally published on August 18, 2015 5:30 am



The Environmental Protection Agency was investigating an old mine near Silverton, Colo., earlier this month, when it accidentally released 3 million gallons of toxic waste water into the Animas River.

Initially the agency downplayed the incident and provided little information. So Navajo President Russell Begaye traveled to the source of the toxic spill and posted a video of it on Facebook.



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In the video (<https://www.facebook.com/302132179938953/videos/516797395139096/>), he stands in front of the still-leaking mine.

"This is the story that was related to us just now," he says. "The person was working the backhoe and trying to block off more of this area, but then he saw a spring ... and the water burst through here and it went straight down the mountain."

The mustard-colored water then flowed downstream to the Navajo Nation in New Mexico. The Navajo Farming Authority has shut off public water intakes and irrigation canals, leaving hundreds of Navajo farmers driving long distances to water their crops.

It's where rancher Irving Shaggy gets water for his family's livestock and to irrigate his fields.

"[I've] been growing sudangrass for my cattle and sheep, which is our livelihood," Shaggy says. "We sell the wool; we sell the cattle every year."

But Shaggy doesn't know if his cattle will be contaminated and unsaleable. He fights back angry, tired tears at the disruption of his usual routine.

"I mean, I'm upset, mostly because every two days I haul water to my livestock," he says. "And I get it from the river and I irrigate my fields."

Now, he says, he has to make a 70-mile round trip to get water.

"I can't irrigate," he says. "It's taking a lot out of me cuz I've been hauling out of the other river and that costs a lot of money."

Shaggy says the EPA isn't providing enough clean water or enough information, leaving him and hundreds of other farmers to speculate about the rest of the farming and ranching season — and the future.

"It's going to be a long struggle," he says. "The water's still contaminated and it's embedded in the mud and the rocks and the tree branches along the river."

This contamination brings up memories of other environmental disasters caused by the federal government. One in particular that Navajo people are talking about is uranium mine contamination — a decades-long legacy that still affects people on the reservation today. The EPA has only started in the last seven years to clean up those mines.

At an EPA meeting at the Shiprock Chapter House last week, a farmer spoke angrily to EPA representatives.

"These folks here are hurt," he said. "They're connected to the land. They're connected to the water. We can't be compensated for that. We can't be compensated for all the prayers that was given to that water of life."

"We are working hard very hard to get this right," answered EPA emergency responder Randy Nattis. "I'm frustrated. I know everyone here is frustrated. I haven't slept. No one has slept since this has happened."

The Navajo say it's difficult to trust the EPA when agency workers spent much of last week handing out forms to the farmers that would essentially waive their rights to sue the federal government for future damages.

The Navajo president said in a statement, "The Feds are protecting themselves at the expense of the Navajo people and it is outrageous."

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Transcript

AUDIE CORNISH, HOST:

The chemical spill in Colorado's Animas River earlier this month has made its way downstream and is now affecting the Navajo Nation. The Navajo Farming Authority has shut off public water intakes and irrigation canals. That leaves hundreds of Navajo farmers driving long distances to water their crops. From member station KJZZ, Laurel Morales has the latest.

LAUREL MORALES, BYLINE: The Environmental Protection Agency was investigating an old mine near Silverton, Colo., earlier this month when it accidentally released 3 million gallons of toxic wastewater. Initially, the agency downplayed the incident and provided little information. So Navajo president Russell Begaye traveled to the source of the toxic spill and posted this video on Facebook. In it, he stands in front of the still leaking mine.

(SOUNDBITE OF ARCHIVED RECORDING)

RUSSELL BEGAYE: This is the story that was related to us just now. The person was working the back hoe, trying to block off more of this area, but then he saw a spring. And the water burst through here, and it just went straight down the mountain down here.

MORALES: The mustard-colored water then flowed downstream to the Navajo Nation in New Mexico. That's where rancher Irving Shaggy feeds his family's livestock.

IRVING SHAGGY: They've been growing sudangrass for my cattle and sheep, which is our livelihood. We sell the wool. We sell the cattle every year.

MORALES: But Shaggy doesn't know if his cattle will be contaminated and unsalable. He fights back angry, tired tears at the disruption of his usual routine.

SHAGGY: I mean, I'm upset mostly because every two days, I haul water to my livestock, and I get it from the river. And I irrigate my fields.

MORALES: But that changed earlier this month.

SHAGGY: I can't irrigate. It's taking a lot out of me because I've got to haul - I've been hauling water out of the other river, and that costs a lot of money.

MORALES: He now has to make a 70 mile round-trip every time he hauls water to his cattle. Shaggy says the EPA isn't providing enough clean water or enough information, so he and hundreds of other farmers are left to speculate about the rest of the farming and ranching season and at the future.

SHAGGY: It's going to be a long struggle. The water's still contaminated, and it's embedded in the mud, in the rocks, in the tree branches along the river.

MORALES: This contamination brings up memories of other environmental disasters caused by the federal government. One in particular that Navajo people are talking about is uranium mine contamination, a decades-long legacy that still affects people on the reservation today. The EPA has only started in the last seven years to clean up those mines.

UNIDENTIFIED MAN: (Foreign language spoken).

MORALES: One Navajo farmer introduces himself at an EPA meeting at the Shiprock Chapter House late last week.

UNIDENTIFIED MAN: These folks here are hurt. They're connected to the land. They're connected to the water.

(APPLAUSE)

UNIDENTIFIED MAN: We can't be compensated for that. We can't be compensated for all the prayers that was given to that water of life.

RANDY NATTIS: We are working hard - very hard - to get this right.

MORALES: That's a EPA emergency responder Randy Nattis.

NATTIS: I'm frustrated. I know everyone here is frustrated. I haven't slept. No one has slept since this has happened.

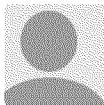
MORALES: The Navajos say it's difficult to trust the EPA when agency workers spent much of last week handing out forms to the farmers that would essentially waive their rights to sue the federal government for future damages. The Navajo president said in a statement, quote, "the feds are protecting themselves at the expense of the Navajo people, and it is outrageous." For NPR News, I'm Laurel Morales in Flagstaff. Transcript provided by NPR, Copyright NPR.

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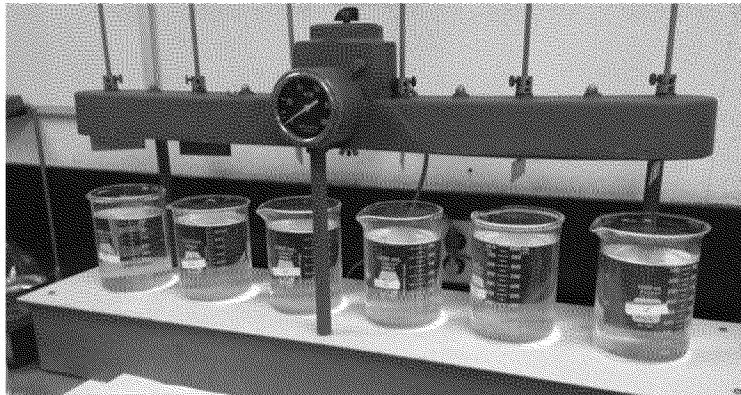
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THE JOURNAL RECORD

Severn Trent assessed biggest environmental fine in state history

Severn Trent has 15 days to appeal or request settlement

By: Sarah Terry-Cobo The Journal Record August 13, 2015



Six beakers, used to determine how much chlorine should be used in drinking water, sit on a lab bench at the Hugo water plant in late July. Contractor Severn Trent is facing \$3.17 million in fines from the Oklahoma Department of Environmental Quality for allegedly not using enough chlorine in the water supply, and reporting violations. (Photo by Sarah Terry-Cobo)

violations.

The fine is three times larger than any other levied by the agency's Water Quality Division, said Director Shellie Chard-McClary. The DEQ outlined the federal and state laws the company allegedly violated in an administrative compliance order issued Aug. 7.

An agency audit found the company didn't use enough chlorine; in some cases, no chlorine at all was detected in drinking water samples submitted to the agency. Improperly disinfected water can contain dangerous bacteria, viruses and parasites such as E. coli, norovirus and Giardia that can pose an immediate public health danger.

Read more: [Boiling over: How a multinational company left Hugo with unsafe water.](#)

In general, the agency can work with violators to fix problems, rather than issue fines. But Severn Trent violated federal Safe Drinking Water Act laws, which DEQ oversees in Oklahoma, Chard-McClary said.

"When we are addressing acute human-health violations, it is very important we address them through an order," she said. "We do take a strong action when violations could impact human health."

Hugo outsourced its drinking water and wastewater operations to Severn Trent in 2007. The city provides water to about 5,500 residents, as well as about 2,500 people in Grant and to Choctaw Rural Water District No. 1.

The DEQ discovered problems with the city's water in December 2014, when monthly tests showed the water was too cloudy. Murky water can be safe to drink, but cloudiness interferes with chlorine disinfection tests.

Severn Trent's water tests also showed the water was too cloudy in January, triggering a mandatory comprehensive evaluation. DEQ staff conducted a weeklong inspection at the end of February and discovered dozens of violations, including malfunctioning equipment.

Records the company initially submitted to DEQ from January 2013 to March 2015 appeared to meet state and federal requirements, according to DEQ documents. But it wasn't until April 3 that agency officials learned two years' worth of data didn't match the original reports Severn Trent provided. Chard-McClary said she couldn't address how or why the original information wasn't correct.

Severn Trent told the DEQ on April 3 its own internal review identified several issues it previously had not reported. The water was too cloudy numerous times and the company never reported those problems to the DEQ, violating federal law. The company was missing two years' worth of data because cloudiness-monitoring-equipment wasn't working, documents show.

OKLAHOMA CITY – Severn Trent Services is facing the biggest environmental fine ever levied in Oklahoma for failing to meet minimum chlorine standards. The company's operations potentially put 8,123 Hugo-area residents at risk of drinking unsafe water for 317 days over two years, an Oklahoma Department of Environmental Quality investigation found.

The agency imposed a \$3.17 million penalty, which DEQ Executive Director Scott Thompson said was due to the nature and number of the

DEQ officials met with Severn Trent Regional Manager John Bannen on April 16 to discuss the company's reporting error disclosure. Severn Trent employees offered to resubmit data from January 2013 to March 2015, the full amount DEQ can examine, according to statutory limitations. Bannen told agency staff he hadn't yet told Hugo city officials the problems DEQ discovered in its February inspection.

Because the water tests weren't correctly reported to DEQ, the public wasn't alerted when the water was unsafe from January 2013 to March 2015, according to agency documents. Severn Trent resubmitted water quality data to DEQ from that period three to five times, so it's difficult for DEQ to know exactly when the water was unsafe, Chard-McClary said.

If the agency doesn't have timely and accurate water test data, it is difficult to protect public health, she said.

On May 20, DEQ issued a mandatory boil order lasting six days. Chard-McClary said a May 26 test showed Hugo's water met state and federal drinking water safety standards. But problems continued at least through June, she said. Water tests showed the water was too cloudy and there was not enough chlorine or no chlorine in June 2015.

She said DEQ doesn't currently have a boil order in place for Hugo-area residents. The company is required to take samples every 15 minutes and submit that information to the agency monthly, because it serves fewer than 10,000 customers. However, if two consecutive 15-minute tests show there isn't enough chlorine or the water is too cloudy, they are required to notify the agency right away.

"We have no records submitted that indicate (Hugo's water) is out of compliance with Safe Drinking Water Act standards," she said. "I can't say with 100-percent certainty the water is safe at this moment, or the moment the article is published."

The company self-identified reporting issues to DEQ and is working with the agency to ensure those issues are corrected, Severn Trent Spokeswoman Tracey Rotan said in a voice-mail message to The Journal Record. The company's policy is not to speculate on the outcome of regulatory procedures or actions, she said.

The company has 15 days from when it received the administrative order to request an appeals hearing or settlement. The company can further appeal to state district court if it is unsatisfied with the outcome of that hearing.

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OKLAHOMA

Economy, Energy, Natural Resources: Policy to People

Obama's Clean Power Plan: Oklahoma Officials Attack, Utilities on Path to Comply

AUGUST 17, 2015 | 2:24 PM

BY LOGAN LAYDEN



LOGAN LAYDEN / STATEIMPACT OKLAHOMA

The Grand River Dam Authority's coal-fired plant in Chouteau, Okla.

Even before the Obama Administration's Clean Power Plan was finalized, politicians in Oklahoma were already fighting it in the court of public opinion, **and in real court, too**. And Gov. Mary Fallin has vowed that Oklahoma will not submit a state compliance plan to the U.S. Environmental Protection Agency.

But as Paul Monies with *The Oklahoman* reports, Oklahoma's largest utility companies say they're already on track to meet the carbon-reduction goals in the federal plan:

Politically, the Environmental Protection Agency's Clean Power Plan remains a pariah in Republican-dominated Oklahoma. But behind the scenes, officials and utility representatives are poring over the 3,000-page rule and finding the state could be well on the way toward meeting its greenhouse gas reduction goals by 2030.

... "We're well on our way to compliance with the plans we have in place," said Randy Swanson, [Oklahoma Gas & Electric's] director of public affairs.

Because of previous EPA regulations like the Regional Haze Rule and Mercury and Air Toxics Standards, Oklahoma's power companies are already retiring old coal-fired power plants in favor of natural gas-fueled plants, or installing expensive air scrubbers on existing coal facilities. An OG&E representative told *The Oklahoman* converting two coal units at

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its Muskogee plant would cut the utility's carbon emissions by 30 percent. The **Clean Power Plan** calls a nationwide cut in carbon dioxide emissions of 32 percent.

The state's second largest utility — Public Service Company of Oklahoma — also appears to be well on its way to compliance with the Clean Power Plan:

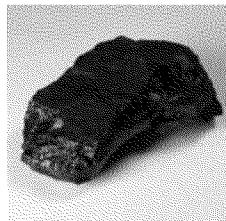
PSO expects to retire two coal units at its Northeastern plant near Oologah in 2016 and in 2026 to comply with existing EPA regulations. The utility is making up the generation from a power-purchase agreement with LS Power's Oneta natural gas plant and through 600 megawatts of wind energy. Those actions will help the state comply with the Clean Power Plan.

"We are well-positioned because of steps we have already taken or are in process of taking to deal with other environmental rules like regional haze to deal with whatever the state response turns out to be," [PSO President and COO Stuart Solomon] said...

Oklahoma's largest power companies may see a relatively simple path to compliance with the Clean Power Plan, but they're still worried about what the plan will mean for the Southwest Power Pool, the electricity market both participate in. The SPP provides power to more than a dozen different states, some of which are more reliant on coal than Oklahoma.

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Aug 17, 2015 04:12 PM EDT

Uranium Concentrations in two Major U.S. Aquifers Exceeds EPA Regulations

A recent study concluded that the High Plains and Central Valley aquifers exceed the uranium contamination guidelines set by the Environmental Protection Agency and endanger roughly two million people that live above or near these water sources.

Roughly 275,000 samples were taken by University of Nebraska-Lincoln (UNL) researchers Karrie Weber and Jason Nolan. Their findings indicated that 78 percent of the uranium-contaminated sites were linked to the presence of nitrate, which is a common groundwater contaminant, according to a release.

Nitrate is commonly produced from chemical fertilizers or animal waste, and creates naturally occurring uranium through a series of bacterial and chemical reactions, which oxidize the radioactive mineral, making it soluble in ground water.

Additionally a report stated that shallow wells, roughly 30.5 meters or less in depth, are about eight times more susceptible than deep wells to exceeding EPA standards for both nitrate and uranium as a result of infiltration from runoff.

Roughly two million people live above or around the High Plains and Central Valley aquifer sites. In fact, the study concluded that many Americans live less than two-thirds of a mile from wells that are contaminated with high levels of uranium.

According to the release, the High Plains aquifer contains uranium concentrations up to 89 times the EPA standard and nitrate concentrations up to 189 times greater. The uranium and nitrate levels of the California-based Central Valley aquifer measured up to 180 and 34 times their respective EPA thresholds.

"It needs to be recognized that uranium is a widespread contaminant," said Weber, assistant professor of biological, Earth and atmospheric sciences at UNL, in the release. "And we are creating this problem by producing a primary contaminant that leads to a secondary one."

Exposure to uranium-contaminated water may lead to, or cause people to be more susceptible to, kidney damage or elevated blood pressure. In addition to affecting the area's drinking water sources, food crops can accumulate dangerously high uranium concentrations from being irrigated by contaminated water.

The High Plains aquifer is the largest in the United States, and reportedly supplies drinking water and irrigation to eight surrounding states, stretching from South Dakota through Nebraska and into northern Texas. Additionally, the Central Valley aquifer is California's largest reservoir and heavily depended on for irrigation.

Throughout their study, the researchers also noted that only one of six wells located near a former or current mining site was contaminated. This contradicts the assumption that uranium stems primarily from mining operations or spent

nuclear fuel, according to Weber.

To address this issue, Weber suggests managing the groundwater supply and specifically the aquifer's sediment, since it is possible to control uranium concentrations with sediment that houses bacteria that breathes or eats it, said the release.

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Alliance filing says hog farm violates permit

E. coli, nitrate levels cited

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By Emily Walkenhorst [Twitter](#)

This article was published August 14, 2015 at 2:38 a.m.

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The Buffalo River Watershed Alliance has filed a formal complaint with the Arkansas Department of Environmental Quality, alleging that C&H Hog Farms in Mount Judea has violated the terms of its permit.

The alliance cites University of Arkansas System Division of Agriculture quarterly reports on conditions surrounding the facility as evidence that it is contributing to higher levels of E. coli and nitrate in Big Creek, a Buffalo National River tributary on which the facility sits.

Alliance President Gordon Watkins said the hog facility's permit is a no-discharge permit, meaning any discharges not connected to a significant storm would be a violation of its permit. The complaint suggests that the higher levels are evidence that hog waste is either leaking through the karst terrain or that runoff from waste applied as manure is making its way into the creek.

But lead researcher Andrew Sharpley said that although E. coli and nitrate levels near the facility have increased, such levels vary seasonally and can be affected by rain. Further, he said, the source of pollution could be something other than the facility, such as a faulty septic tank.

He said his team is studying the increases but that they had not concluded the source yet.

"It's higher but it's impossible to say what that might be caused by," he said. "We are looking further into that."

Sharpley said it was premature to say whether the levels were a problem and mentioned that E. coli levels have been elevated before, including before the facility was built.

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"I'm not going to say there is a problem and it turns out there isn't a problem," he said, adding that his credibility could be hurt by such an event.

The complaint notes higher levels of E. coli in the House Well, a private water well used for consumption by hogs and humans.

Watkins said the well had a filter on it and noted that private wells are not regulated, but he said any amount of E. coli would be considered harmful to drink by state and federal standards for public drinking water.

"I would encourage them to determine that source," Watkins said. "There are ways to find out."

Watkins noted tests that can be used to detect both E. coli and nitrate sources.

"Whether we're right or wrong we feel like ADEQ needs to investigate and look at the data and make their own determination," he said.

Katherine Benenati, a spokesman with the department, said officials had received the complaint and were still in the process of reviewing it.

A voice mail left Thursday afternoon with C&H co-owner Jason Henson was not immediately

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returned.

The alliance complained previously to the Environmental Quality Department -- on Feb. 8, 2014 -- along with the Arkansas Canoe Club, National Parks Conservation Association and Ozark Society. The complaint was filed by Earthjustice, a national environmental law group.

That complaint requested that the department reopen the facility's permitting process, citing taxpayer interest and "misrepresentations" by C&H Hog Farms regarding its operations.

C&H Hog Farms is a large-scale swine facility permitted to house 2,503 sows and 4,000 piglets. The facility has been the target of environmental groups for more than two years since receiving an expedited permit to operate from the Environmental Quality Department.

In 2014, the Buffalo National River -- the country's first national river -- had more than 1.3 million visitors who spent about \$56.5 million at area businesses, according to National Park Service data.

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Baton Rouge Planning Commission recommends rezoning to keep out controversial barge cleaning operation



Advocate staff photo by HILARY SCHEINUK — From left, Linda Lynch, Lillian Bridwell-Bowles, and Kay Callander, all residents of Riverbend Lakes, protest the proposed Tubal-Cain Marine Services barge cleaning facility before the Baton Rouge Planning Commission on Monday, Aug. 17, 2015. The proposed rezoning, which now goes to the Metro Council, would change the site from industrial to commercial, preventing the company from operating its barge-cleaning services there.

Planning Commission recommends rezoning

by Rebekah ALlen
rallen@theadvocate.com

Baton Rouge leaders are just a step away from thwarting a barge cleaning company's plans to open shop on the Mississippi River, near residential

neighborhoods and down the road from LSU.

The Planning Commission voted 6-3 on Monday to recommend changing the designated land use of the 60-acre property from heavy industrial to commercial. That change, if also approved by the Metro Council on Wednesday, would mean Tubal-Cain could not operate an industrial barge cleaning operation at the location it's been developing for the past two years.

The project has attracted intense opposition in recent weeks, as Tubal-Cain has awaited its Department of Environmental Quality state permit, which, if approved, would allow the facility to release what is considered by state officials as a minor source of air pollution. DEQ had been expected to approve the permit because the permits are largely based on appropriate local zoning requirements.

The company provides cleaning services for industries transporting their products via the Mississippi River. The cleaning entails pumping liquids from barges for temporary storage in tanks and sending remaining fumes to an enclosed flare or venting them into the air, then cleaning the barges for reuse.

The location is less than a mile from Riverbend and Lake Beau Pre neighborhoods and BREC's Farr Park, known for its horseback riding. It's 3.1 miles from LSU's Tiger Stadium.

Randy Cooper, Tubal-Cain's operating manager, urged the Planning Commission to allow them to move forward with the project. He said the company provides a necessary service that accommodates many of the other already existing industries, like ExxonMobil, that are important to Baton Rouge's economy.

Cooper stressed that they were invited to locate in Baton Rouge by the other industries and they've already spent \$4 million over the past two years in good faith.

"Baton Rouge is a city that was built on, and thrives in part, because of the Mississippi River and the petrochemical industry," he said.

Port of Greater Baton Rouge Director Jay Hardman said similar barge companies already operate in the area, going largely unnoticed by residents.

Hardman said a barge cleaning facility operated from 1979 to 1997 just north of Tubal-Cain's proposed location. There's another operation south of the site that's been there for 10 years, providing fueling services.

But Tubal-Cain and port representatives were wildly outnumbered Monday before the Planning Commission. About 100 people flooded the City Hall chambers to

support the rezoning and to protest the project, expressing concern about their health, their property values and their quality of life.

"There are older citizens who walk in our neighborhood, there are children who play in BREC park," Riverbend homeowner Craig Juengling said.

Another project opponent, Eric Lockridge, told the Planning Commission that the location of the facility, right off the riverfront levee, would conflict with the millions of public dollars spent on improvements to make the area attractive, such as bike paths.

"The idea that this area could turn into an industrial waste cleaning site is horrible," he said. "It undercuts all that effort, and we just spent all this money to improve riverfront access."

The measure to rezone the property was proposed by Metro councilmen John Delgado and Chandler Loupe.

Delgado, who attended the meeting, said the city-parish should aspire for a better riverfront development.

"We can develop the riverfront from downtown to the Ascension parish line," he said. "It should be something people can be attracted to and not the things that people run away from."

He angrily called out the barge-cleaning representatives for their efforts.

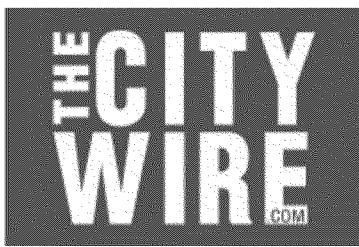
"What are we leaving for our children?" Delgado said, adding that his young daughter attends school nearby. "Mr. Cooper, Mr. Hardman, if you think I'm going to let you spew poison near my daughter, you have another thing coming."

Those voting in favor of rezoning the property were Tara Wicker, Steven Perret, Gregory DuCote, Laurie Marien, John Price and Todd Sterling. Those against the rezoning were Jason Engen, Sarah Holliday-James and Rossie Washington Jr.

DEQ will hold a public hearing on the permit for the proposed facility at 6 p.m. Tuesday at 602 N. Fifth St.

The Metro Council will have a final vote on the rezoning at 4 p.m. Wednesday in City Hall.

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Mystery, suspense and Fort Smith finances

Submitted by The City Wire Staff on Mon, 08/17/2015 - 6:07pm

guest commentary by David Potts

Editor's note: David Potts is a certified public accountant with more than 33 years experience. Although every effort is made to provide you accurate and timely tax information, it is general in nature and not specific to your facts and circumstances. Consult a qualified tax professional to discuss your particular case. Feel free to e-mail topic suggestions or questions to davidpotts@potts-cpa.com

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I spent this past Sunday afternoon reading a mystery. It wasn't Agatha Christie. It was the City of Fort Smith, Arkansas Comprehensive Annual Financial Report for the Year Ended Dec. 31, 2014 and the unaudited second quarter financial report for the six months ended June 30, 2015.

My interest in reading these suspenseful documents was to see if I could get a handle on the facts surrounding the board's discussions about the police and fire departments retirement plan funding shortfall and to find some detail on how the city planned to comply with the federal Environmental Protection Agency's \$255 million consent decree – estimated to cost up to \$480 million – resulting from all the untreated waste Fort Smith released into the Arkansas River in past years.

A financial statement doesn't answer the specifics of those questions, but I am a CPA and the financial statement is where I wanted to start to give me some context and insight into the city's ability to meet these "problem" obligations. After perusing the city's financial statements I began to look for details by searching and scanning the minutes of our city Board of Directors meetings and the supplemental attachments for more detail. After a few hours reading and searching I found myself with more questions than answers. The biggest question I was left with was if the City directors only see the information they post on the city's website, do they have a grasp of our city's finances.

I spent an hour listening to the Aug. 4, 2015 board of directors meeting where Raymond James and Stephens Inc. pitched their cases for being chosen as the lead securities firm to issue an upcoming bond placement for the city where winning firm received the privilege of collecting the associated management fees.

Neither of the presenters provided information that revealed any benefits that would accrue to the city of Fort Smith if one firm was chosen over the other. Raymond James came the closest by stating that they could generate more market demand for the bonds which would result in a lower interest cost to Fort Smith, but due to time limits on their presentations, this informative statement ended abruptly without really making the point.

When the firm representatives finished their presentations, the directors asked a few questions, but none that gave the public insight into which of the competing firms would be able to provide the city the lowest cost of borrowing. Director Tracy Pennartz came the closest to asking a couple of important questions, but in the end the directors' choice of the lead firm was based on what made them feel warm and fuzzy. The directors voting in favor of Stephens Inc. based the decision on how they felt about the city's past relationship with their firm.

Rounding up, Fort Smith's budget is \$150 million a year. That's a lot of money to most of us. I've been known to defend our directors because they basically volunteer their time. But their knowledge and ability affects the lives of Fort Smith's residents. We need directors that are interested in the city's business as well has some practical knowledge and the ability to commit the time necessary to understand the problems at hand.

Another issue that concerned me while I scanned the city directors' meeting minutes was based on a memo included with the documents posted for the special meeting and study session on Aug. 11, 2015. A memo dated Aug. 7, 2015 to Jeff Dingman, Acting City Administrator, from Jennifer Walker, Deputy Finance Director with the subject title 2015 General Fund Budget Reduction seemed to show a mismatch between the City Directors' request and the City Staff's response.

The memo opened stating "Throughout June and July 2015, the Board of Directors had considerable discussion about several budget factors and funding needs. At the July 14 study session, City staff presented some possible General Fund budget reductions. Staff received direction to analyze the 2015 General Fund budget with a fresh look and a collaborative effort across departments. The staff has analyzed and discussed the General Fund budgets from a variety of perspectives, focusing on cutting

cost without limiting services." Walker then proceeds to discuss "several changes to the budget approach."

As I read this memo, the first question I asked myself was, "How can you cut costs without limiting services if the city departments are operating efficiently?" But then Walker seems to answer a different question. The question was about costs. Her answer was about changing budgetary authority. These are two different issues.

Walker's memo provided points like "Personnel reduction in the attached proposal do not include reductions to employee counts, wages, or benefits. They are only budgeted funds that we believe will not be utilized in 2015." I translate that to mean "we can't cut costs but we had enough room in our original budget to amend the budget to reduce amounts that we don't really need."

The next point states: "Most or all operating conditions have been removed. The associated risk is that there may be an unexpected occurrence that requires some departments to ask for additional appropriations later in the year." Translation: "If all goes well we may spend less than budgeted. However, if not, you are going to have to give us more money."

Walker is trying hard to give our directors the answer they want, a way to cut expenditures in the current year, but in order to give them some relief she has to play a budgetary shell game. In essence she is saying we can change the budget on paper but we can't really cut costs without limiting services. Walker, just tell them the truth. The answer to their question is "you can't reduce operating expenditures without limiting City services."

The question our directors need to ask the city staff is can the staff find ways to increase their efficiency and productivity, but that is a much tougher question to answer. But the odds are increases in productivity are the only way to reduce costs without limiting services.



It isn't fair to ask our City Directors to be experts in government finance. But it would be nice if they felt the need to be financially literate in our city's finances. The starting place would be to ask questions, lots of detailed questions. If I was a city director the first question I would ask is where is the city's internal auditor and why doesn't the internal auditor report directly to the city board of directors bypassing the city administrator.

When a family or business is in a financial pinch, they have three options to relieve the pressure: increase income, cut expenses, or borrow money. The city of Fort Smith has the same options.

The City board has discussed cost cutting for several months. I think they may have even cut a few expenses. They just haven't solved the police and fire retirement fund deficit yet. They do feel good about the choice of Stephens to lead in the city's next round of borrowing by issuing bonds. It's a mystery whether Stephen's will deliver a lower interest rate than Raymond James or whether Stephen's will deliver lower servicing costs, but we can all feel good that Stephens is an Arkansas company.

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The cost of complying with the EPA's consent decree and the current deficit in funding the police and fire retirement plan are good examples of past decisions made by decision makers who aren't around to deal with the results of their decisions. Hindsight is

20/20. Maybe they didn't have all the facts to make a good decision. However, the skeptic in me believes past leaders weren't faced with a crisis situation and therefore chose not to deal with the issue. They kicked the can down the road.

In reading through our current board minutes and viewing their discussions I haven't come across much talk or consideration of how their decisions will affect future decision makers and Fort Smith residents.

Déjà vu. More to come.

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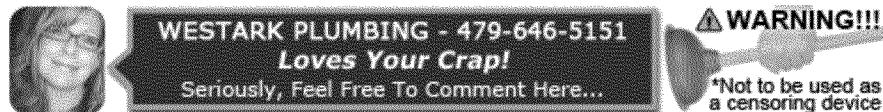
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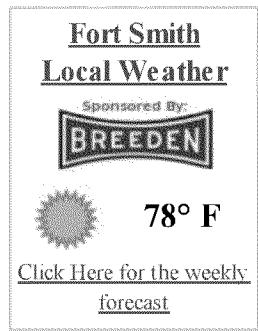
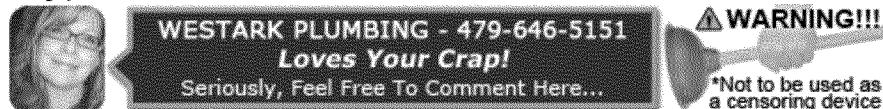


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Submitted by Randy Rhome (not verified) on Mon, 08/17/2015 - 7:09pm.

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Scalise: Toxic spill into river indicates EPA has lost its way

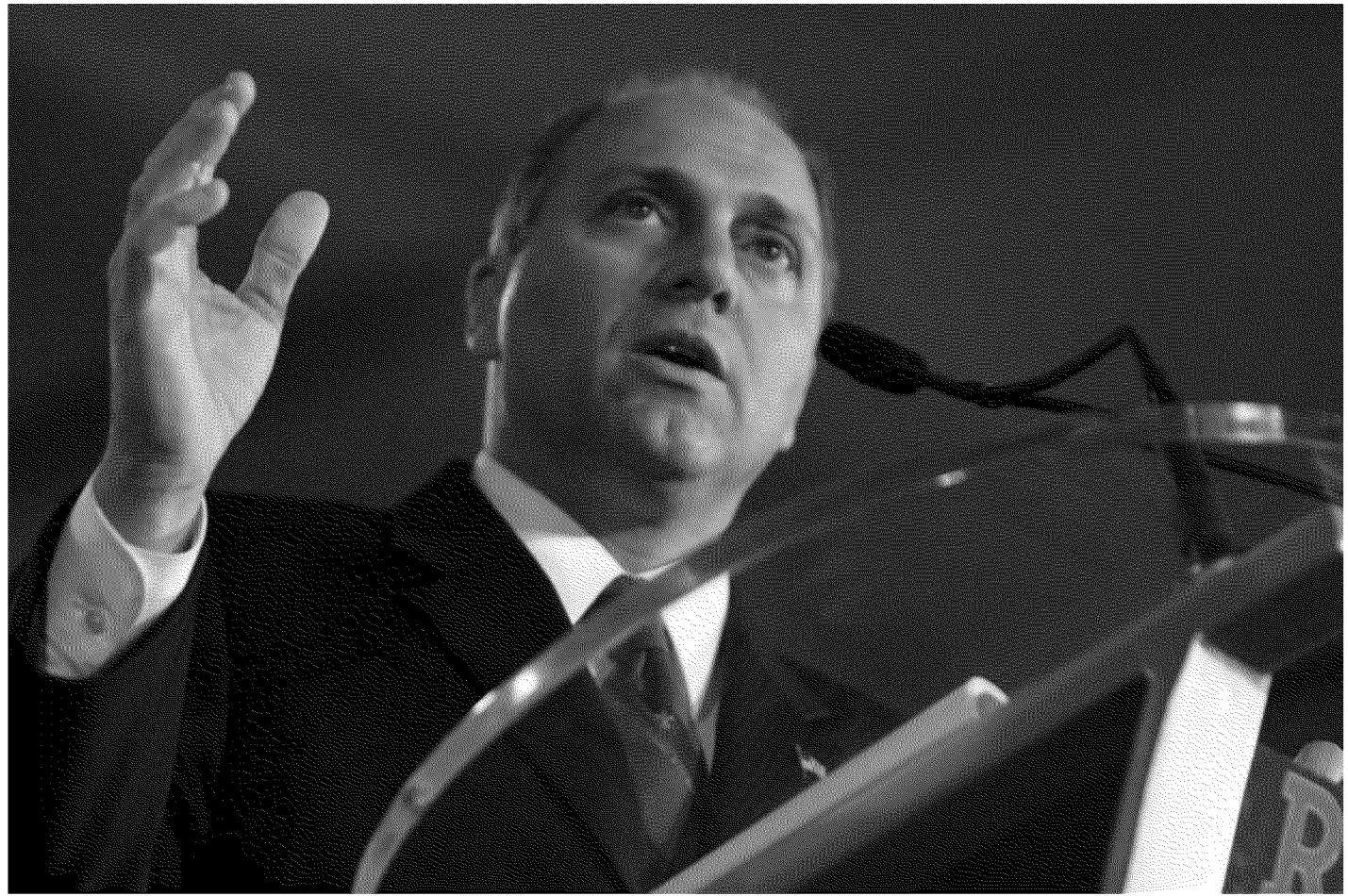
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House Majority Whip Steve Scalise (R-LA) issued a formal statement late last week on the toxic spill into a Colorado river caused by the Environmental Protection Agency, accusing the agency of losing sight of its primary responsibilities.

"The EPA is supposed to help prevent environmental catastrophes, not cause them, but sadly, President Obama's EPA has been too busy threatening American jobs with radical regulations instead of focusing on what should be their core mission," Scalise said. "Now they have caused a massive spill of toxic material, which threatens the health and livelihoods of people in several states."

Scalise called on the EPA to "hold themselves to the same standards that they would hold private industry to for this kind of unacceptable disaster."

"As majority whip and a member of the Energy and Commerce Committee, I know the House will aggressively perform its oversight function to ensure that the Obama Administration does everything possible to protect the American people and repair the damage they've done in the affected states and tribal areas, and also hold all officials accountable who are responsible for this disaster," Scalise said.

Scalise has represented Louisiana's First District in the House since 2008. Born in New Orleans in 1965, Scalise served for four months in the Louisiana State Senate and 12 years in the Louisiana House. Scalise was educated at Louisiana State University.

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Tuesday, August 18, 2015, 8:27 a.m.

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EPA methane rules expected today

By Bloomberg News

This article was published today at 4:56 a.m.

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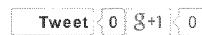
WASHINGTON -- The U.S. Environmental Protection Agency will announce today proposed regulations to curb emissions from the nation's oil and natural gas industry, according to the American Petroleum Institute's regulatory chief.

The agency will issue three proposed rules affecting methane emissions from sources including new hydraulically fractured wells, Howard Feldman, senior director of regulatory and scientific affairs at the Washington-based institute, said by phone. EPA spokesman Liz Purchia declined to comment. Feldman said he was briefed by people outside of the EPA with direct knowledge of the plan and announcement, which were first reported by the *Wall Street Journal*.

President Barack Obama's administration is pursuing a broad regulatory effort to curb greenhouse-gas emissions from sources including power plants, refineries and automobiles. The agency announced in January that it would propose rules to cut emissions of methane, the primary component of natural gas, by as much as 45 percent by 2025.

Methane accounted for about 9 percent of U.S. greenhouse-gas emissions in 2012, according to the EPA. Environmental groups have called for federal action to reduce methane seepage from oil and gas pipes, pumps, and storage tanks. The industry has sought voluntary measures, saying methane emissions are already in decline.

A Section on 08/18/2015

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The 17th street canal breach seen from the air on Sept. 3, 2005. (Photo by Brett Duke, NOLA.com | The Times-Picayune archive)

Mark Schleifstein, NOLA.com | The Times-Picayune By **Mark Schleifstein, NOLA.com | The Times-Picayune**

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on August 18, 2015 at 7:30 AM, updated August 18, 2015 at 7:31 AM

PRI's The World radio show interviewed me - **Mark Schleifstein** - about my reporting before, during and after **Hurricane Katrina** for a show broadcast Friday (Aug. 14).

I was asked to explain how flooding in the area occurred during the storm, and what would happen if a similar storm were to occur today. Here's part of my answer:

"A similar storm today would still be too large for the new levee system that's been put in place. After Katrina, the federal government, the Army Corps of Engineers and the National Flood Insurance Program came to an agreement that they would rebuild the levee system to withstand a storm surge flood that the flood insurance program covers, which is one that has a one percent chance of occurring in any year, the so-called 100-year storm.

"Katrina was a 400-year storm the way it hit the Mississippi Gulf Coast and a 250-year storm the way it hit the eastern New Orleans area and about a 150-year storm the way it hit the lakefront. So you'd still have overtopping of the levee system.

"The significant difference would be that the levees have been designed so they don't disappear when the storm hits. That will reduce the kind of flooding that would occur even if you had a Katrina-like storm."

Listen to The World special correspondent **Jeb Sharp's interview** and read the transcript at PRI's web site.

Click to view the
animated, interactive
graphic of Katrina's
flooding

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